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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/623,238	07/17/2003	Edward Lynch	3068	2886	
26822 75	590 08/10/2006		EXAMINER		
WALTER A. HACKLER			KRASS, FREDERICK F		
2372 S.E. BRISTOL, SUITE B NEWPORT BEACH, CA 92660-0755			ART UNIT	PAPER NUMBER	
			1614		
			DATE MAILED: 08/10/2006	DATE MAILED: 08/10/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applicati n N .	Applicant(s)				
	10/623,238	LYNCH ET AL.				
Office Action Summary	Examiner	Art Unit				
	Frederick Krass	1614				
The MAILING DATE of this c mmunication appears on th c ver sheet with the corresp ndence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
<ol> <li>Responsive to communication(s) filed on 30 May 2006.</li> <li>This action is FINAL.</li> <li>Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.</li> </ol>						
Disposition of Claims						
4) Claim(s) 1 and 5 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) Claim(s) 1 and 5 is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction is objected to by the Examiner.	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary					
Notice of Draftsperson's Patent Drawing Review (PTO-948)     Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)     Paper No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	te atent Application (PTO-152)				

## Prosecution is Closed per Ex Parte Quayle

This application is in condition for allowance except for the following formal matters:

1) The oath or declaration is defective.

The originally filed oath in this case relies on USSN 10/096,050 (now USP 6,649,148) and Provisional Application 60/279,795, respectively, for priority. A careful review of the facts and circumstances of this case readily reveals, however, that those application numbers are in error; this case should in fact rely for priority on USSN 10/097,679 (now USP 6,669,931) and Provisional Application 60/279,969, respectively.

A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

2) The examiner additionally notes the following informality, which should be corrected in responding to this Office action: claim 5, third line, "lesions" should be singularized.

Prosecution on the merits is closed in accordance with the practice under *Ex parte*Quayle, 1935 C.D. 11, 453 O.G. 213.

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A shortened statutory period for reply to this action is set to expire **TWO**MONTHS from the mailing date of this letter.

Correspondence

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Frederick Krass whose telephone number is (571) 272-

0580. The examiner can normally be reached on Monday-Friday from 9:30AM to

6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ardin Marschel can be reached at (571) 272-0718. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Frederick Krass Primary Examiner

Art Unit 1614